

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SILVIA O'HARO, and CLEVELAND PINNOCK, individually and as guardians for D.P.,	:	CIVIL ACTION NO. 1:09-CV-340
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
BOB EVANS FARMS INC.,	:	
Defendant	:	

ORDER

AND NOW, this 30th day of November, 2010, upon consideration of the report of United States Magistrate Judge William T. Prince (Doc. 35), recommending that defendant's motion for summary judgment (Doc. 22) be granted, and plaintiffs' complaint (Doc. 1) be dismissed, and, following an independent review of the record and noting that plaintiffs Silvia O'Haro and Cleveland Pinnock filed objections¹ to the report on October 21, 2010 (Doc. 51), and the court finding Judge Prince's analysis to be thorough and well-reasoned, and the court finding plaintiffs' objections to be without merit and squarely addressed by Judge Prince's report, it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The report of Magistrate Judge Prince (Doc. 35) is ADOPTED in its entirety.
2. Defendant's motion for summary judgment (Doc. 22) is GRANTED. The Clerk of Court is directed to enter JUDGMENT in favor of defendant and against plaintiffs on all claims.
3. The Clerk of Court is directed to CLOSE this matter.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge